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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,923	07/07/2003	Sung Kun-Tsai		6952

7590 04/12/2004
SUNG KUN-TSAI
P.O. BOX 487
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EXAMINER

KING, BRADLEY T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 04/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,923

Applicant(s)

KUN-TSAI, SUNG

Examiner

Bradley T King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "241" has been used to designate both a flange at the upper end of sleeve 24 (figure 1) and a flange at the lower end of the sleeve (figure 6). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: page 4, line 4 of the specification references screw rod 25 as "24". Line 9 references the screw rod as element "35".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 3 recites "the reduced section serves to confine the flange of the sleeve so that the screw rod can move upwards and downwards". The specification discloses a similar feature. It is not clear how the screw rod can move upwards and downwards when the reduced section of the screw rod confines the sleeve. According to the drawings, it appears that the reduced section serves to confine the flange of the sleeve to prevent the screw rod from moving upwards and downward. See figure 6.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "U-like". It is unclear what the addition of the word "like" is intended to convey.

Claim 1 recites "the buckling groove is adjustable at a lower of the positioning rod". It is not clear what "a lower" refers to. It is also unclear how the buckling groove is adjustable at a lower of the positioning rod as the groove is formed in the rod.

Claim 2 recites "two sides of the top". The meaning of this limitation is unclear. The language "two ends of the top" would appear to better describe the features.

Claim 3 recites "a bottom of the inner tube of the sleeve is formed with a flange". There is insufficient antecedent basis for "the inner tube" in the claims. The language "a lower end of the inner surface of the sleeve is formed with a flange" appears to better describe the features.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yang, Rutter et al, Screen, Neville, and Ishii. All show caster braking devices.

Allowable Subject Matter

Claims 1-2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose the features of the buckling groove in combination with the interconnection of the sliding seat and the positioning rod.

The following claim drafted by the examiner and considered to distinguish patentably over the art of record in this application and overcome the 112 2nd rejections, is presented to applicant for consideration:

1. A caster braking device comprising; a wheel having a protruding rim with an axial hole; an outer periphery of the protruding rim being formed with a plurality of teeth which are spaced with an equal space;

a supporting seat having a round mask one side of which is connected to a vertical tube; an axial tube being formed in an opening of the round mask; the axial tube being engaged to the axial hole of the wheel; an upper end of the round mask being formed with a slot;

an axial rod; the axial tube of the supporting seat receiving the axial rod; the wheel being rotatable freely;

a positioning rod being formed in the slot of the round mask; a pinhole being formed in the positioning rod and an upper end of the positioning rod having a recess; a lower end of the positioning rod having a buckling groove for buckling one tooth of the wheel;

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a sliding seat having a U shape; two guide posts being transversally formed between two legs of the sliding seat so that a guide groove is formed between the two guide posts; the two guide posts being placed in the recess of the positioning rod; a pin passes through the pinhole of the positioning rod and the guide groove of the sliding seat so as to combine the positioning rod and the sliding seat; the pin being movable in the guide groove so that as the sliding seat is pushed, the positioning rod is movable up and down; so that the buckling groove is buckled with the tooth of the wheel to brake the wheel or the buckling groove retracts from the teeth of the wheel so that the wheel is slidable.

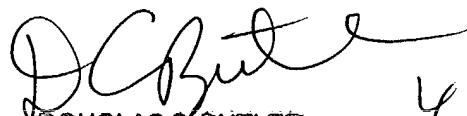
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (703) 308-8346. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTK



DOUGLAS C. BUTLER
PRIMARY EXAMINER

AV 3683

4-4-04